## REMARKS

The Office Action mailed February 22, 2006 has been reviewed and carefully considered. Independent claims 1, 8 and 19 are not amended. Claims 1-24 remain pending, the independent claims remaining 1, 4, 6, 8, 15, 16, 18 and 19. Claims 4-6, 15, 16, 18, 23 and 24 are amended. Reconsideration of the above-identified application, as amended and in view of the following remarks, is respectfully requested.

Claims 1-20 and 22 stand rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 5,798,785 to Hendricks et al. ("Hendricks").

Claim 1 recites, ". . . a first classifier module trained with the identified first programming category to provide a recommendation."

Support for the amendment of claim 1 is found in the specification (e.g., page 9, lines 1-3).

Hendricks fails to disclose or suggest this aspect of claim 1.

Instead, Hendricks conducts a mere keyword search (col. 30, lines 33 and 34). Hendricks, at best, has a keyword matching program that identifies the occurrence of a recitation of a predefined category in a program abstract that has been found by means of a keyword search through the program abstract database.

The Office Action, in responding to this observation, seemingly deviates from the actual claim language -- ". . . a first classifier module trained with the identified first programming category to provide a recommendation" (see Office Action, top of page 4).

The Office Action cites to the Hendricks learning embodiment (col. 35, line 19), but the embodiment merely maintains historical data of a subscriber's viewing

habits, and accordingly assigns weights to each of a plurality of program categories based on the historical data. When the user selects a category on-screen, e.g., sports, in FIG. 11d, the weight corresponding to the user selection may influence the program(s) retrieved for display to the user (col. 32, lines 54-62).

Although the Hendricks terminal 220 may learn overall the user's viewing habits, Hendricks seems to lack disclosure or suggestion of ". . . a first classifier module trained with the identified first programming category to provide a recommendation."

The other independent claims, other than claim 8, recite the same above-quoted language.

Claim 8 slightly revises the language, stating, ". . . a program record module operable to identify a first programming category that has been selected from among a plurality of programming categories for training a first classifier module to provide a recommendation. . ."

Claim 8 is deemed patentable over Hendricks for the same reason(s).

Claim 19 recites, ". . . , said generating of the second recommendation occurring upon a failure to identify any programming category of the plurality of programming categories as corresponding to the program. . ."

Claim 6 is amended to conform to this language of claim 19.

Hendricks fails to disclose or suggest this aspect as well.

The Office Action erroneously cites to col. 36, lines 1-16, 45-51 in Hendricks, but this passage merely relates to a case in which a program pertains to multiple categories.

Claim 7 recites, ". . . utilizing the second recommendation when the second recommendation has the highest rank. . ."

Hendricks fails to disclose or suggest this aspect of claim 7.

The Office Action cites to Hendricks merely for the proposition that rankings in different categories may be presented to the user in a predetermined order.

Claim 4, as amended, recites, ". . . specifically selecting, by a user of said method, said program; in response to said selecting, receiving a record corresponding to the program. . ."

The Hendricks user, by contrast, selects merely a category of programming.

The amendments of claims 23 and 24 find support in the specification (e.g., page 4, lines 23-26; page 6, lines 20-25).

Moreover, the current applicants see no motivation to modify Hendricks into an embodiment that matches the language of claim 1, or the other pre-existing claims.

Claim 21 stands rejected under 35 U.S.C. 103(a) as unpatentable over Hendricks and the applicants' allegedly admitted prior art ("AAAPA").

The AAAPA in the present specification states that the decision tree classifier module and the Bayesian classifier module are each one of many prior art computer programs.

Claim 21 depends from claim 15. The AAAPA cannot compensate for the deficiencies in Hendricks.

Also any nexus between the AAAPA, in regard to classifiers in the prior art, and Hendricks is unclear.

The Office Action cites as motivation "to provide a system which incorporates well-known learning techniques."

However, even if proper motivation could be found to utilize a prior art classifier in Hendricks, it is unclear by what reasoning such an implementation could be deemed similar to the present claims.

Notably, the Office Action seems not to have even considered the manner of combining; instead, the Office Action seems to be using our invention disclosure as a blueprint in impermissible hindsight.

Each of the other rejected claims depends from a respective base claim, and is deemed to distinguish patentably over the reference at least due to its dependency.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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